

### **REMARKS**

Claims 1-3, 5 and 6 are pending after entry of the amendments set forth herein. No new matter is added. Reconsideration is requested.

### **DOUBLE PATENTING**

Claims 1-3, 5 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 and 14-16 of U.S. Patent no. 6,656,695.

Claims 1-3, 5 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10 of U.S. Patent No. 6,763,307.

Claims 1-3, 5 and 6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 and 18-21 of U.S. Patent No. 7,266,458.

Applicants submit herewith a timely filed terminal disclaimer for the above cited patent references. Withdrawal of the rejection is requested.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10, 13-15, 17, 19, 28-29 and 33-35 of copending Application No. 10/220,999.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17 and 19-22 of copending Application No. 10/716,349.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-8 and 13-14 of copending Application No. 10/856,564.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 33-34, 38-43 and 46-49 of copending Application NO. 11/929,790.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17-29 of copending Application No. 11/929,841.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 11/848,596.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-9 of copending Application No. 10/554,043.

Claims 1-3, 5 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9 and 11-16 of copending Application No. 10/570,081.

Applicants respectfully submit it is appropriate to defer such provisional double patenting rejections until such time as a patent is issued in this or the cited application, at which time the provisional rejection can be converted to an actual rejection.

#### **REJECTIONS UNDER §102**

Claims 1-3, 5 and 6 remain rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al. (US 6,656,695). Without conceding to the correctness of the rejection, as suggested by the Examiner, Applicants have submitted herewith a Declaration under 1.132 stating that the subject matter disclosed but not claimed in the reference was the work of inventors of the present application.

**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number SEEK-009.

Respectfully submitted,  
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